

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CR. NO. 7:13-cr-00070-1
	§	
JONATHAN CHRISTIAN TREVINO	§	

MOTION IN LIMINE - EXTRANEOUS ACTS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the Defendant, **JONATHAN CHRISTIAN TREVINO**, in the above styled and numbered cause, by and through his attorney of record, and respectfully requests that the trial court instruct the prosecuting attorney not to mention, allude or refer to in any manner any prior convictions, alleged violations of the law, or extraneous acts allegedly done by the Defendant or other unindicted co-conspirators in this cause in the presence of the jury until a hearing has been held outside the presence of the jury to determine the following:

1. Whether the conviction was punishable by death or imprisonment in excess of one year under the law which the conviction was rendered.

2. Whether the conviction, alleged violation or extraneous act was such prejudicial effect to the Defendant so that said prejudicial effect outweighs the probative value of said testimony.

3. Whether the conviction, alleged violation or extraneous

act occurred at a time sufficiently recent to have some bearing on the present cause of action.

4. Whether the person now on trial or the person who allegedly committed said act is the same person now connected with this trial.

5. Whether said conviction, alleged violation or extraneous act is admissible pursuant to the Federal Rules of Evidence. In particular, the Defendant would direct the Court's attention to Federal Rules of Evidence 404(b).

WHEREFORE, PREMISES CONSIDERED, it is respectfully requested that the Court order the prosecuting attorney prior convictions any alleged violations of the law or any extraneous transactions in any manner in the presence of the Jury until a hearing has been held outside the presence of the jury and before the Court to determine the relevant facts regarding said conviction, alleged violation or erroneous act as set forth above.

Respectfully submitted,

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BY: /s/Roberto J. Yzaguirre  
ROBERTO J. YZAGUIRRE  
ADMISSIONS I.D. #4049  
STATE BAR #22234000  
ATTORNEY FOR DEFENDANT